

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

MAR 6 2002

OFFICE OF  
MANAGING DIRECTOR

Karl Hess  
President and General Manager  
WALI-FM  
724 South Jefferies Boulevard  
Walterboro, South Carolina 29488

86-285

Re: Station WALI-FM, Walterboro, South Carolina  
Hess Communications LLC  
Fiscal Year 2001 Regulatory Fee  
Fee Control No. 0109218835244007

Dear Mr. Hess:

This is in response to your request dated September 28, 2001, filed on behalf of Hess Communications LLC (Hess) for a refund of the fiscal year (FY) 2001 regulatory fee paid by Station WALI-FM, Walterboro, South Carolina. Our records reflect that Hess paid FY 2001 regulatory fees of \$675.00 for Station WALI-FM.

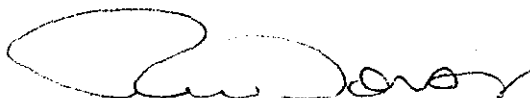
You assert in the request that the regulatory fees established for WALI-FM (a Class A FM station) should be reduced because the station serves Walterboro, South Carolina, a city of 6,000 people. The FY 2001 regulatory fee for WALI-FM is the fee established for a Class A FM station serving a population of 20,001 to 50,000. *See Assessment and Collection of Regulatory Fees for Fiscal Year 2001, Report and Order*, 16 FCC Rcd 13,525 (2001); 47 C.F.R. §1.1153. Based on your assertion, we requested a population recalculation for Station WALI-FM, which determined that the correct population figures for the station for purposes of the FY 2001 regulatory fee is 20,685. The fee established for Station WALI-FM is therefore correct.

The methodology established by the Commission for assessing radio regulatory fees is not determined by a particular city's population but, instead, is based in part upon each station's city strength service contour (which is overlaid upon U.S. Census data to estimate the population coverage for each station). *See Assessment and Collection of Regulatory Fees for Fiscal Year 1998, Report and Order*, MD Docket No. 98-36, FCC 98-115, 1998 WL 320272 (adopted: June 9, 1998; released: June 16, 1998) (*1998 Report and Order*).

You also inquire as to why Station WALI-FM's FY 2001 regulatory fee is higher than that of WPAL-FM and WALD-AM, which are both stations licensed to Walterboro, South Carolina. The methodology for assessing FY 2001 radio regulatory fees is based upon the particular station's classification and population coverage area. *See 1998 Report and Order*, paras. 31, 37-38. The FY 2001 regulatory fee for Station WALI-FM is higher than that for Station WPAL-FM and Station WALD-AM because of the differences in the stations' classifications and population coverage areas. Specifically, Station WPAL-FM is a Class A FM station<sup>1</sup> serving a population of 18,058 and is therefore subject to the FY 2001 regulatory fee established for a Class A FM station serving a population of less than 20,000, i.e., \$350.00. Station WALD-AM is a Class D AM station serving a population of 27,236 and is therefore subject to the FY 2001 regulatory fee established for a Class D AM station serving a population between 20,001 and 50,000, i.e., \$475.00.

Accordingly, we find no basis to support your request for a refund of the FY 2001 regulatory fee associated with Station WALI-FM. We therefore deny your request. For the same reasons enumerated above, we find no basis at this time to support your assertion that Station "WALI-FM has been over-assessed for years, and that other stations have been under-assessed." If you have any questions concerning this matter, please contact the Revenue & Receivables Operation Group at (202) 418-1995.

Sincerely,



 Mark A. Reger  
Chief Financial Officer

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<sup>1</sup> Your assertion that WPAL-FM is a Class C-3 FM station is incorrect. Our records reflect, however, that Station WPAL-FM holds a construction permit for a Class C-3 FM station, but that it had not reported to the Commission that it had completed construction or begun such operations as of September 2001. *See* File No. BPH-19990219IM (construction permit granted Mar. 10, 1999, and expires on Mar. 10, 2002).

ASSOC. MNG. DIR.  
FINANCIAL OPERATIONS  
(AMD-FD)

OCT 5 3 06 PM '01

RE **WALLY**  
**93.7 FM**  
WALI-FM Walterboro



010921883524007

Office of Managing Director  
Federal Communications Commission  
445 12th St. S.W. Room 1-A625  
Washington, DC 20554  
Attn: Regulatory for Waiver/Reduction Request

9/28/01

To Whom It May Concern:

I am the licensee of WALI-FM, Walterboro, South Carolina, Hess Communications LLC, and have been the licensee of this FM radio station since 1996. Each year we have complied with the Commission's public notices on Mass Media Regulatory Fees and have paid the stated fees at the stated times. This year's fee was \$675.00 (code 0142) as listed on page 50 of Attachment J of the Commission's 2001 AM and FM Regulatory Fee Schedule. According to this schedule, WALI-FM is a Class A FM in Walterboro, South Carolina with a population of 20,685. This information is not totally correct, as we are licensed to Walterboro, South Carolina, and serve the city of approximately 6,000 people. I am writing you about the other stations licensed to Walterboro, South Carolina, and would like to know why their fees are substantially less than WALI-FM. WPAL-FM is listed on page 92 of Attachment J as a Class A FM, when in fact it is a C-3, and serves a population of 18,058. It has a fee of \$350.00 (code 0141). In fact, WPAL-FM has been operating studios in Charleston County, South Carolina for years and maintains no offices or studios in Walterboro. Charleston, South Carolina is a market of 300 to 400 thousand people.

The other station licensed to Walterboro, South Carolina is WALD-AM, which has been silent for several years. It is listed on page 50 of Attachment J, and is a Class D AM serving a population of 27,236 with an annual fee of \$475.00 (code 0136).

It is my opinion that there are errors in the Commission's station information data base, and that WALI-FM has been over-assessed for years, and that other stations have been under-assessed.

Thank you for your consideration of this matter.

Sincerely,

Karl Hess  
Pres./General Mgr.  
WALI-FM

① 2 day letter  
② Related in Perm  
③ Tickler for 30 days.

**From:** Ann Gallagher  
**To:** Dale Bickel; Kim Nguyen; Roland Helvajian  
**Date:** 11/13/01 3:19PM  
**Subject:** Re: Fee Comparison Inquiry

Here are my pop counts, based on 2000 census block group data. The numbers are very similar to Dataworld's. I've also attached a picture.

WALI-FM:	19,904 persons within 70 dBu contour
WPAL-FM (lic. class A facilities):	20,716 "
WPAL-FM (CP class C3):	26,517 "
WALD (AM):	27,834 persons within daytime 5 mV/m

Ann Gallagher  
Audio Services Division  
Mass Media Bureau  
(202) 418-2716

>>> Roland Helvajian 11/06/01 09:44AM >>>  
Hi Dale and Kim:

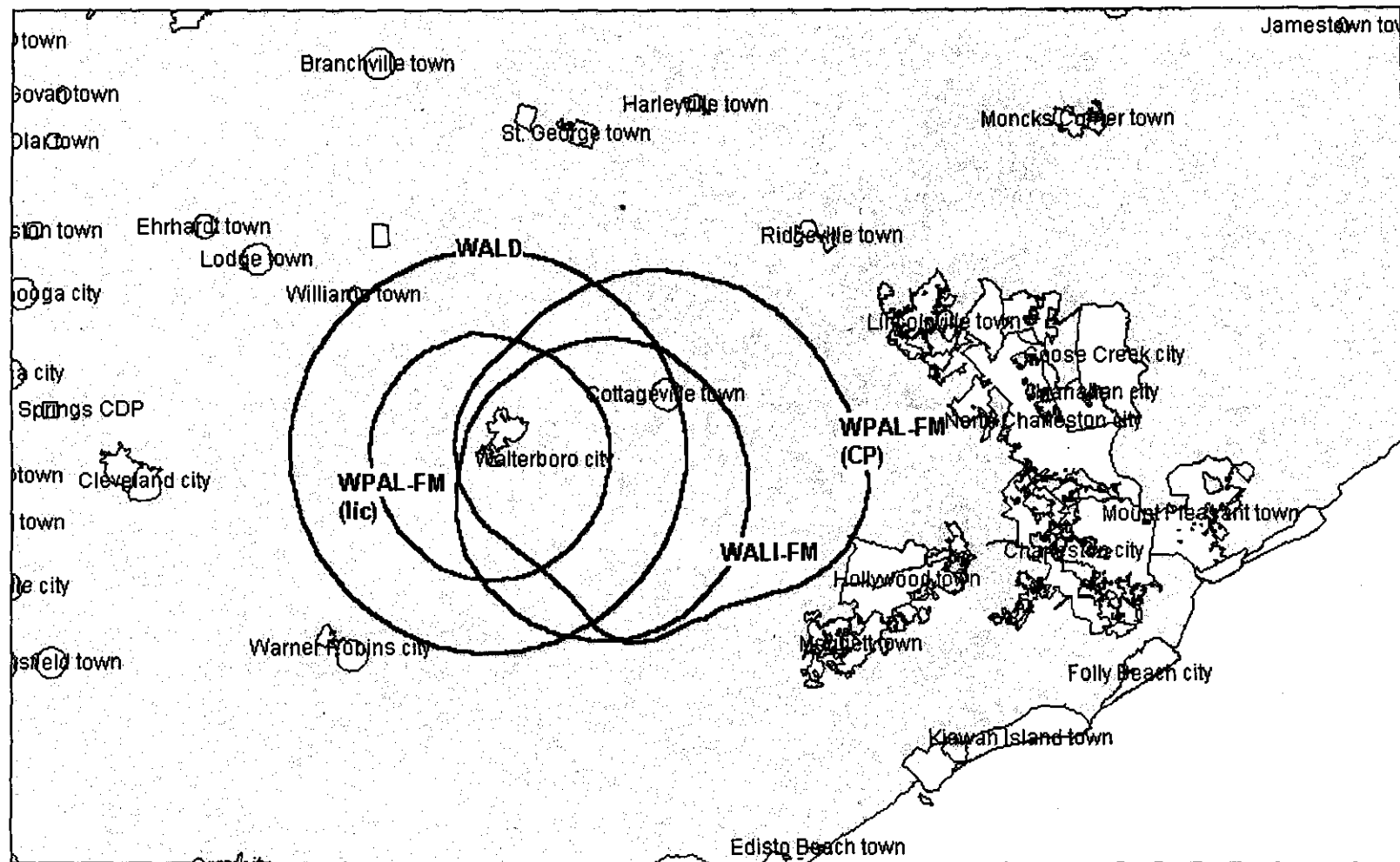
The Office of the Managing Director received an inquiry from WALI-FM in Walterboro, SC on why their fees were not comparable to some nearby stations. Of course, everyone tries to compare themselves with others who are paying a lower fee, and they always try to second guess the population of their town. I have tried to identify some of the attributes of the various stations that WALI-FM mentions. Is it possible for you to come up with some explanation on the the differences between WALI-FM and the stations. Of course, for regulatory fees purposes, the only attributes we use to determine the fees are the population served and the class. I would appreciate any help you can provide me so that I can explain why WALI-FM is paying a comparably higher fee (according to WALI-FM).

**WALI-FM:** Class A (per Dataworld) and C3 per MMB FM Inquiry, ERP = 6.0 kW, Antenna HAAT = 100 meters, Antenna Radiation Center Above Ground Level = 101 meters. Population served listed as 20,685. (Fee is \$675)

**WPAL-FM:** Class A (per Dataworld) and C3 per MMB FM Inquiry, ERP = 25.0 kW, Antenna HAAT = 100 meters, Antenna Radiation Center Above Ground Level = 100 meters, then 96 meters. Population listed as 18,058. (Fee is \$350)

**WALD-AM:** Class D, Power = 2.500 kW, Daytime only, Antenna Height = 130.4 meters, Antenna Radiation RMS = 326.00 mV/m/kw@1kmmeters. Population listed as 27,236. Petition filed for expanded band. (Fee is \$475)

**CC:** Tom Putnam



# Payment Transactions Detail Report

Date: 12/31/2001

BY: FEE CONTROL NUMBER

Fee Control Number	Payor Name	Fcc Account Number	Payer TIN	Received Date								
0109218835244007	HESS COMMUNICATIONS LLC 215 NORTH STONE HEDGE DRIVE  COLUMBIA SC 29210	WP00043118	0571042130	9/20/2001 00:00:0								
Payment Amount	Current Balance	Seq Num	Payment Type Code	Quantity	Callsign Other Id	Applicant Name	Applicant Zip	Bad Check	Detail Amount	Trans Code	Payment Type	
\$685.00	\$685.00	1	0142	1	WALI	HESS COMMUNICATIONS LLC	29210		\$675.00	1	PMT	
\$685.00	\$685.00	2	0169	1	WLP663	HESS COMMUNICATIONS LLC	29210		\$10.00	1	PMT	
Total		2								\$685.00		